

2022 Regular Session

HOUSE BILL NO. 962

BY REPRESENTATIVE MCCORMICK

PARISHES: Provides relative to parish zoning regulations and restrictions

1 AN ACT

2 To amend and reenact R.S. 33:4780.43, relative to parish zoning; to provide relative to  
3 zoning regulations and restrictions; to require voter approval prior to the imposition  
4 of any such regulation or restriction; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 33:4780.43 is hereby amended and reenacted to read as follows:

7 §4780.43. Public hearing authorized; prohibited rezoning

8 A. The governing authority of the parish shall, in accordance with the  
9 comprehensive plan required by R.S. 33:4780.42, provide for the manner in which  
10 the regulations and restrictions and the boundaries of the districts shall be  
11 determined, established, enforced, and from time to time, amended. No regulations  
12 or restrictions shall become effective until after a public hearing held by said  
13 governing authority at which parties in interest have had an opportunity to be heard.

14 B. Notice of the time and place of the hearing shall be published once a week  
15 in three different weeks in the official journal of the parish, and at least fifteen days  
16 shall elapse between the first publication and the date of the hearing. In addition to  
17 notice by publication, and at least ten days prior to the hearing, a good faith attempt  
18 to notify the owner or owners of record of the properties to be zoned or rezoned shall  
19 be made by the sending of an official notice by certified mail of the time and place  
20 of the hearing and subject matter of the regulations and restrictions.

1           C. Notwithstanding the ~~foregoing~~, provisions of Subsection B of this  
2           Section, when more than ten parcels are to be zoned or rezoned by enactment of a  
3           zoning ordinance, the advertisement in the official journal required herein shall be  
4           considered adequate notice to the property owners.

5           D. Notwithstanding any other provision of law to the contrary, no regulation  
6           or restriction shall become effective in an unincorporated area of a parish until after  
7           a proposition authorizing the regulation or restriction has been approved by a  
8           majority of the electors of the unincorporated area of the parish voting at an election  
9           held for that purpose in accordance with the Louisiana Election Code.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 962 Original

2022 Regular Session

McCormick

**Abstract:** Requires a parish to get voter approval prior to imposing certain zoning regulations or restrictions.

Present law authorizes parish governing authorities and their duly created boards of adjustment, for the purpose of promoting the health, safety, morals, or general welfare of the community, to regulate and restrict the height, number of stories, and size of structures; the percentage of lots that may be occupied; courts and other open spaces; the density of population; and the location and use of the buildings, structures, and land for trade, industry, residence, or other purposes. Provides that the zoning ordinances enacted by a parish governing authority and the acts of its zoning commission, board of adjustment, or zoning administrator are subject to judicial review on the grounds of abuse of discretion, unreasonable exercise of police powers, excessive use of the power, or the denial of the right of due process.

Present law requires that regulations adopted pursuant to present law be made in accordance with a comprehensive plan and designed to lessen congestion in the public streets, secure safety from fire, promote health and the general welfare, provide adequate light and air, avoid undue concentration of population, facilitate adequate transportation, water supply, sewerage, schools, and parks, and meet other public requirements. Further requires that the regulations be made with reasonable consideration of the character of the district and its peculiar suitability for particular uses and with a view to conserving the values of buildings and encouraging the most appropriate use of land throughout the district.

Proposed law retains present law.

Present law requires the governing authority to provide for the manner in which the regulations and restrictions shall be determined, established, enforced, and, from time to time, amended. Provides that no regulations or restrictions shall become effective until after a public hearing held by the parish governing authority of the parish at which parties in interest have had an opportunity to be heard. Requires the parish governing authority to

provide for notice of the hearing and notice to property owners in accordance with the provisions of present law (R.S.33:4780.43).

Proposed law retains present law and additionally provides that no zoning regulation or restriction can become effective in an unincorporated area of a parish unless the voters of the unincorporated area of the parish approve the regulation or restriction.

(Amends R.S. 33:4780.43)